APPENDIX.

Chronological Résumé of Written, Telegraphic and Teletype Exchanges Between Parties.

(Code words are translated.)

1. September 26, 1944. CRANE to MARGULES. Telegraphic night letter to various brokers including Margules (Southwest Brokerage Company of Dallas, Texas) as follows:

> "Can book Emperors—nine cars U S One and nine cars unclassified or 18 cars—Vineyard run grade—to go into storage—Packing to commence rate of one or two daily October 9th—We to personally inspect AFOHD [F.O.B. acceptance final] basis our inspection—Shipper to transfer title on or after December 10th he paying all storage charges. Packed 28# net—Display new lugs lidded—Calripe or comparable brand—$500 part payment with confirmation—price 2.53 net to shipper which ceiling that time—we charging 50.00 per car procurement charge—ADLAM [offered subject to confirmation] CORLU [wire immediately, must have answer] Thursday. ADLAS [offer subject to confirmation shipping point] immediate UPTMU [tomatoes 6 x 6 and larger]—New Crop Edson District—ALBIQ [approximately 85%] 3.25—Can secure 3-4 cars uninspected account [because of] heavy puff heavy sidewalls. Would grade AIBIEIQ [approximately 80-85%] except for puff which is not a serious defect account of heavy sidewall 2.50." [R. 450.]

2. September 27, 1944. MARGULES to CRANE. Teletype message, as follows:

> "Referring quotation on nine cars U S One and nine unclassified Emperors—do we have to buy all of them or can we get someone buy possible couple of each. Go ahead." [R. 421.]

3. September 27, 1944. CRANE to MARGULES. Teletype message as follows:

> "Believe we could work a deal on block of two-three each. Submit it and will see if can work out." [R. 421.]

4. October 2, 1944. CRANE to MARGULES (and various other brokers). Telegram as follows:

> "CPFGP [referring to our night letter of 26th] quoting future Emperors—secured revised deal—fifteen cars U S One 2.50 net—same deal—CORSD [wire quick if wanted] any part." [R. 451.]

5. October 2, 1944. MARGULES to CRANE. Teletype message as follows:

> "Referring that 6 Emperors Ft Worth and 4 Dallas—deal okay—2.50 net—50.00 for you if legal. Advise. Go ahead." [R. 475.]

6. Same day. CRANE to MARGULES. Teletype message as follows:

> "Haven't been able contact the shipper yet but sure its okay. Will wire you definitely one way or other soon as get him. Yes, it is legal—naturally a receiver can pay his whole markup for buying brokerage if he wants to—will wire you soon as receive definite confirmation. Understand its basis 1,000.00

deposit against each U S One inspection as they are loaded. What else new. Go ahead." [R. 475, 476.]

7. Same day. MARGULES to CRANE. Teletype message as follows:

"Far as I know that covers it. Try wire night—sure this end. O K. End." [R. 476.]

8. Same day. CRANE to MARGULES. Telegraphic night letter as follows:

"Secured Redlyon Packing Company confirmation ten cars grapes as outlined. You collect deposits to be forwarded to us soons Dupja [government inspection] wired each car." [R. 25.]

9. October 3, 1944. CRANE to MARGULES. Teletype message as follows:

"Did you sell entire ten cars Emperors? Corey others waiting. Do Aflep tomatoes 30906? First car arrived Kaysee today reported beautiful quality." [R. 474.]

10. Same day. MARGULES to CRANE. Teletype message as follows:

"What are U talking about? We ordered and U already confirmed by wire 10 cars Emperors advise. Unarrived Toms 30906 sell elsewhere if U desire." [R. 475.]

11. Same day. CRANE to KAZANJIAN (Red Lion Packing). Telegram as follows:

"Referring telephone have sold for your account basis 2.50 lug net to you block Emperors mentioned—five

cars basis 750.00 car deposit—ten cars basis 1000.00 deposit—to be paid upon receipt US ONE Government inspections—now depending you handle through us balance cars you mentioned for fresh shipment—advise when expect ship these—believe we could place them now—ceiling PRICDXXX price with deposits—selling basis ability make US ONE grade—suggest give us approximate shipping dates—mays well get cleaned up since ceiling precludes any possibility higher market time of shipment—will forward confirmations for your signature soons receive airmail from buyers." [R. 453.]

12. Same day. MARGULES to CRANE, CENTRAL FRUIT & VEGETABLE Co. of Dallas, Texas, and WEST TEXAS PRODUCE Co. of Ft. Worth, Texas. Standard Memorandum of Sale signed by MARGULES as Broker.

This document refers to sales to West Texas Produce Co. of 6 cars and to Central Fruit & Produce of 4 cars for the account of "(Seller) Associated Fruit Dist. of Los Angeles, Calif. (a/c Red Lion Pkg. Co.)"; recites: "sale made f.o.b. acceptance final"; recites: "Terms draft West Texas thru First Nat'l Bank, Ft. Worth * * *, draft Central Fruit thru Mercantile Bank, Dallas"; and further recites: "Quality Commodity and Specifications Price ten (10) cars government inspected U. S. #1 Emperor grapes 28# net @ 2.50 f.o.b. plus 50.00 buying service for Associated, plus our brokerage 3½ lug. (To go into storage, packing to commence rate of one or two daily starting about October 9th. Shipper to transfer title on or after December 10th, Shipper pays all storage charges. New lidded dis-

play lugs, 'Calripe,' or comparable brand, partial payment 1000.00 per car to be made by buyers with government inspection report each car.)" [R. 27, 28.]

13. October 4, 1944. KAZANJIAN to CRANE. Telegram as follows:

"Fifteen cars storage U. S. One Emperors December Tenth conversion satisfactory at two dollars and fifty cents FOB Exeter guaranty by buyer. One thousand dollars deposit on 10 cars and seven hundred fifty dollars on five cars said deposit to be paid immediately on inspection at shipping point. You to arrange for storage as agreed. Balance of pack intend to load after Oct. twentieth will be glad to make deal on same about the 15th of Oct." [R. 454.]

14. October 10, 1944. MARGULES to CRANE. Telegram as follows:

"Understand ceiling lifted table grapes, whats to prevent shipping some these ten cars instead putting all in storage. Advise. *Re* tomatoes twos Aceankist Biltmore sold track 2.00 delivered various shippers rolling sale arrival. Will AFLEP anything which arrives here." [R. 481.]

15. Same day. CRANE to MARGULES. Telegram as follows:

"Shipper Redlion takes view account ceiling lifted any contracts Emperors voided. Willing go along give your trade preference shipping as packed at market price which today 3.25. AFOHD [f.o.b. acceptance final] Advise." [R. 481.]

16. Same day. MARGULES to J. W. CURRY, WAR FOOD ADMINISTRATION REGULATORY DIVISION, WASH., D. C. Telegraphic night letter as follows:

"Contract made ten days ago with California shipper as agent for another party for ten cars Emperor grapes at 2.50 FOB packing starting October 10th shipment from storage California starting December 9th. Table grape regulation lifted today. Shipper states other party considers contract void. Willing to ship basis now 3.25 FOB. Appreciate advise your ideas morning as to status of contract." [R. 482.]

17. October 11, 1944. T. C. CURRY, WAR FOOD ADMINISTRATOR to MARGULES. Telegram as follows:

"Retel. Based on facts presented would appear California shipper obligated deliver ten Emperors 2.50 FOB. Don't see where lifting OPA ceiling has any effect on contract this kind. If can assist further advise." [R. 479.]

18. Same day. MARGULES to CRANE. Telegram as follows:

"Answering Curry, War Food Administration, says lifting OPA ceiling has not effect on this contract. Better advise Red Lion accordingly today. Get definite answer yes or no whether going ship per contract now or later so buyer also ourselves know how to handle advise." [R. 480.]

19. Same day. CRANE to MARGULES. Teletype message.

"Please call us collect 10 a. m. our time tomorrow Tucker 3839 regarding Emperor deal." [R. 478.]

20. October 12, 1944. CRANE to MARGULES. Telegraphic night letter.

> "As final gesture and endeavoring to amicably settle grape contract Red Lion Packing Company willing sell Basis 3.00 net FOB quantities specified on contract. Buyer to pay us .10 pkge procurement. Quality is nice uninspected field run but Red Lion states in all probability fruit easily grade U. S. One arrival, but not willing make this guarantee. Our inspector has seen fruit. Says really beautiful. If buyers wish we will arrange to put cars storage which we have already under contract. Otherwise Red Lion takes attitude that after all he had nothing to do with ceiling. Feels he relieved all moral responsibility by making this offer. Claims turning down offers his entire outfit today basis 3.40 cash FOB." [R. 476.]

21. October 13, 1944. MARGULES to KAZANJIAN. Telegraphic night letter.

> "Re ten cars Emperors confirmed by you thru Associated for West Texas Produce and Central Fruit, we wiring Associated tonite offer of 3.00 FOB plus 10¢ procurement charge unacceptable and buyers want contract fulfilled as confirmed. If not going thru on this basis please so advise immediately by wire as buyers desire take action protect their interests. Personally don't see how lifting ceiling has any thing to do with contract which was made at definite price and Washington has wired us to this effect also. Advise promptly direct or thru Associated. Thanks." [R. 477.]

22. Same day. MARGULES to CRANE. Telegraphic night letter.

> "Tomatoes really shot 1.25 to 2.00 delivered. Unarrived fars I know 18378 but really believe you do better elsewhere. Will AFLEP if any received 18378. Regarding 10 car Emperor deal West Texas and Central say offer per your wire unacceptable. Want definite yes or no by tomorrow if contract not going to be filled by responsible party so can take whatever action they deem proper." [R. 479.]

23. October 16, 1944. CRANE to MARGULES. Teletype message as follows:

> "Again talked Redlion. They state definitely unwilling abide any sales made where ceiling definite consideration. Furthermore crop short. Not packing U. S. One grade. Duquk case for courts decide since ceiling taken off unexpectedly. Nobody knows whether or not such deal enforceable. Offer suggestion you take whatever action deem advisable." [R. 482.]